

**REMARKS**

Applicants acknowledge receipt of an Office Action dated June 30, 2006. In this response, Applicants have amended claims 1, 4, 6 and 8-11. No new matter has been added. Claims 2 and 7 have been canceled without prejudice or disclaimer. Following entry of these amendments, claims 1, 3-6, and 8-11 are pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

**Objections to Specification and Abstract**

The specification was objected to for informalities. The specification has been amended as suggested in the Office Action thus overcoming the objection to the specification.

The abstract was objected to for containing more than 150 words. Applicants have submitted a new abstract having 150 words or less, thus overcoming the objection to the abstract.

**Claim Objections**

Claims 1 and 6 were objected for informalities. Claims 1 and 6 have been amended as suggested in the Office Action thus overcoming the objection to those claims.

**Rejection Under 35 U.S.C. § 112**

Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The claims have been amended to address the issues raised in the Office Action, and applicants submit that the rejection has been overcome.

**Rejection Under 35 U.S.C. § 102**

Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,802,609 to Mihashi et al. ("Mihashi"). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1 recites "first movement means for moving a condensing position of the first illuminating optical system", "second movement means for optically moving the first light receiving part and the first conversion member" and "a mode changeover part configured to switch between an interlock mode in which movement operations of the first movement means and the second movement means are interlocked and an independent mode in which movement operations of the first movement means and the second movement means can be independently controlled." Thus, in claim 1, the mode changeover part is configured to switch between an interlock mode in which movement operations of a first movement means (which moves the condensing position of the first illuminating optical system) and a second movement means (which optically moves the first light receiving part and the first conversion member) are interlocked and an independent mode in which movement operations of the first movement means and the second movement means are independently controlled. Mihashi fails to disclose at least the independent mode, or the mode changeover part configured to switch between the interlock mode and independent mode as recited in claim 1, or the advantages of such an independent mode.

In contrast to the apparatus of claim 1, Mihashi merely discloses an ophthalmic measuring apparatus having an interlock mechanism where the illuminating optical system and the light receiving optical system move together. Mihashi does not disclose the independent mode as recited in claim 1, or, necessarily, any mode changeover part configured to switch between an interlock mode and an independent mode. With respect to the first embodiment of Mihashi, Mihashi discloses "the first illumination optical system 200A and the first light receiving optical system 300A are moved in conjunction in the direction of strengthening the signal peak in the first light receiving unit 510" (col. 5, lines 54-58). With respect to the second embodiment of Mihashi, Mihashi discloses "the first illuminating optical system 200A and the first light receiving optical system 300A in association with this

are moved" (col. 10, lines 30-32). In either embodiment, the optical system and the light receiving optical system move together in an interlocked fashion. Mihashi does not disclose an independent mode.

The Office Action cites to col. 4, lines 23-33 and col. 7, lines 6-8 as disclosing the independent mode. The cited section, however, merely provides an explanation of movement of the illuminating optical system and the light receiving optical system by the interlock mechanism, not an independent mode.

Independent claim 6 recites "first movement means for moving a condensing position of the first illuminating optical system; second movement means for optically moving the first light receiving part and the first conversion member; . . . and a mode changeover part configured to switch between an interlock mode in which movement operations of the first movement means and the second movement means are interlocked, and an independent mode in which movement operations of the first movement means and the second movement means are independently controlled", and is thus patentable over Mihashi for reasons analogous to claim 1 discussed above.

Claim 1, further recites "when the independent mode is selected by the mode changeover part, the arithmetic part obtains received light position intervals from the first received light signals at the first light receiving part, and the condensing positions of the light fluxes converted by the first conversion member are configured to be adjusted by the second movement means moved independently of the first movement means so that the intervals fall within a predetermined interval range." Mihashi also fails to suggest this feature of claim 1.

Moreover, Mihashi does not suggest the advantages attendant to the independent mode as recited in claims 1 and 6. The measuring apparatuses of claims 1 and 6, which include the independent mode feature, help to solve problems occurring in the case where ocular optical characteristics vary from place to place in a single eye, because of, for example, an injury, wound, or a disease to the eye. (See specification on page 2, lines 13-16). In such a case, in conventional measurements using the interlock mechanism, the obtained image may

be blurred and not suitable for image analysis, and a measurement result required by a doctor may not be able to be obtained (See specification on page 2, lines 11-12 and 17-18). Mihashi disclosing only the interlock mode, may be susceptible to the problems of such conventional measurements.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

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